

HEALTH & SAFETY COMMITTEE

Issue No 3

REACH Regulations – Company Directors be aware

REACH (Registration, Evaluation, Authorisation & Restriction of CHemicals) is a new EU law governing the evaluation of chemical safety and use. It is very wide ranging and replaces many existing directives and regulations with a single system. Critically, it also introduces new concepts into chemical safety assessment, in that it should apply to chemicals in all products, not just chemical preparations. Additionally, that the burden of proof is inverted i.e. the entity responsible for placing the chemical on the market, either on its own in a preparation or in a product is accountable for demonstrating its safety.



What products are the key groups?

- Preparations and substances – the individual chemicals in all the preparations and substances will need to be identified to the authorities and eventually their safety evaluated against the specific known uses and then authorised for those uses.
- Articles – everything else will need to be assessed to determine if it contains any really nasty chemicals known as Substances of Very High Concern or SVHC above 0.1% weight for weight. If it does the users need to be informed on request and the authorities informed. The SVHC will then face use restrictions, similar to those already in place for creosote or CCA, for example.

What are our obligations?

Three distinct areas can be identified where we need to respond

	Legal Obligation	Wider Risk	Timescale
1. The pre-registration of substances on their own in preparations and in preparations intended to be released	Only on imported products. Due diligence exercise needed but would expect no products to be effected	Interruption in supply of affected branded products because an existing substance has not been pre registered as of Dec 2008.	Pre registration is from June to November 2008
2. The passing on of information including name and safe working practices (if a professional user) of Substances of Very High Concern in Articles over 0.1% w/w when asked.	On all articles This is an addition to existing Material Safety Data Sheets required for preparations	Failing to meet requirements for passing on info within 45 days from receipt of request. Orchestrated NGO campaign which we would be unable to respond to within the time period.	From the publication of the candidate list January 2009
3. The Notification to the European Chemicals Agency of the placing on the market of SVHC within articles in quantities over 1 tonne	Only on imported products and for SVHC not already registered for that use	Restrictions on use and marketing are likely. Specific authorisation for continued use will be required after a certain date.	From 2011

REACH is designed to change chemical manufacturer's behaviour. REACH requires an improved supply chain between those using chemicals and those manufacturing them. REACH is an enabling piece of legislation designed to change the structures of chemical safety assessment in the EU over a long period of time (more than 10 years). NASS advises that when you purchase steel you should obtain the data sheet to pass onto customers who request the information. This is an awareness document. If you only supply steel then you will not come under the REACH regulations but if you also pickle or galvanise steel or supply other articles then you may need to investigate further, below are some website you can look at.

Further Information

The European Chemical Agency is the definitive reference

http://echa.europa.eu/home_en.asp

Reach Ready is provided by the UK Chemical Industry Association

<http://www.reachready.co.uk/>

Corus Group has a website for clients and suppliers

www.corusgroup.com/reach

DISCLAIMER: This is the opinion of the NASS H&S Committee but only the courts can interpret the law. All employers should refer to the legislation.

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